

TOWN OF TRURO
BOARD OF SELECTMEN
MEETING OF TUESDAY, MAY 15, 2007

The Truro Board of Selectmen met for their weekly session on Tuesday, May 15, 2007 at 6:00 p.m. at the Truro Town Hall, 24 Town Hall Road, Truro. In attendance were: Chairman Alfred Gaechter, Vice-Chairman Gary Palmer, Clerk Christopher R. Lucy, Curtis Hartman, Jan Worthington, Town Administrator Pamela Nolan, Administrative Secretary Julie DuPree, Assistant Town Administrator Charleen Greenhalgh, Martha Nagy, Charlie Zehnder, Paul Morris, Deb Paine, Joel Searcy, Susan Kadar, Bob Weinstein, Bill Golden, Martha Wheeler, Brenda Boleyn, Cheryl Grenier, Scott Kazlouskas-Noyes, Ross Cicero, Tim Silva, David Perry, Trudi Brazil, John Lundborn, Bill Worthington, Meg Royka, Bruce Boleyn, Ansel Chaplin, Pat Pajaron, Art Hultin, Tom Wingard, Bob Masson, Chief Thomas, Tracey Rose, Domingo Gonzalez, Diana Worthington, Jim Roach, David and Cheryl Costa, Scott Holway, Timothy Caldwell, Peter Gilson, Kyle Takakjian, Steve Desroche of the Cape Codder, and Kevin Mullaney of the Banner.

Mr. Gaechter convened the meeting at 6:05 p.m.

Minutes: Mr. Palmer moved to approve the minutes of the regular and executive sessions of May 1, 2007 as written and to hold the executive session minutes. Mr. Gaechter seconded it. **Vote: 5-0, unanimous.**

Public Comment: none.

Chapter 90 contract amended procedure: Mr. Morris explained that the State has a new procedure for Chapter 90 funds. They are going to use ten-year contracts with the towns. There won't be a specific dollar amount in the contracts; instead, towns will be notified each year of the amount awarded. There should be less paperwork with this new system. **Mr. Palmer moved to approve the contract and authorize the Chair to sign it. Mr. Hartman seconded it. Vote: 5-0, unanimous.**

COA Contract: Ms. Grenier explained that this was the usual contract with Elder Services that partially funds the printing of the COA newsletter. Mr. Palmer moved to approve the contract and authorize the Chair to sign.

Veteran's memorial contract: Ms. Nolan explained that this contract with Henry T. Crosby and Son is a very simple contract. Mr. Gaechter asked if the concerns with the placement of the podium and the type of fencing to be used were addressed in it. She told him that the contract was not that specific. **Mr. Palmer moved to approve the contract and authorize the Chair to sign. Mr. Gaechter seconded it. Vote: 5-0, unanimous.**

Public Hearing: Rosario Cicero: Seasonal Wine and malt with cordials license: Mr. Gaechter opened the public hearing. Mr. Kazlouskas-Noyes answered questions from the Board on behalf of Mr. Cicero. The restaurant will operate under the name Truro Sea Grill. **Mr. Palmer moved to approve the license. Ms. Worthington seconded it. Vote: 5-0, unanimous.** Mr. Gaechter asked if there were any public comment. Mr. Gaechter closed the hearing.

Public Hearing: Pamet Harbor rules and regulations: Mr. Gaechter opened the hearing. Mr. Silva explained the two changes to regulations. The first states that on June 1st all floats shall be removed from the parking lot and installed on their moorings. The second states that all basin floats and buoys that replace floats in the off-season will have the owners' names affixed thereon. **Mr. Hartman moved to approve the additions to the regulations. Mr. Lucy seconded it. Vote: 5-0, unanimous.**

Ethics Presentation: Ms. Kristinia Patyjewicz of the State Ethics Commission gave a presentation on the Conflict of Interest Law and answered questions. She stressed that whenever there is a question of conflict, advice should be sought. The State Ethics Commission is available to answer all questions and give free and confidential legal advice.

Energy Committee request for an alternate member: Mr. Worthington requested that the BOA amend their membership to include an alternate member because they have someone who wants to serve and there is no vacancy on the Committee at the present. They also anticipate a heavier workload in the future as they take on more projects. **Mr. Gaechter moved to modify the Charge of the Energy Committee to be five members plus one alternate. Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Resignations: Mr. Gaechter moved to accept the resignation of Larry Pisapio from the Board of Health and of Alexandra MacDonald from the Historical Commission and that a letter of thanks be sent to them. **Mr. Palmer seconded it. Vote: 5-0, unanimous.**

Interview: Shellfish Advisory Committee: Peter Gilson explained that he has a desire to participate in town and learn more about how shellfish are regulated. **Mr. Hartman moved to appoint Peter Gilson as a full member of the Shellfish Advisory Committee. Ms. Worthington seconded it. Vote: 5-0, unanimous.**

Police budget shortfall: Mr. Gaechter reviewed the circumstances of their learning of a potential \$37k under-funding in the police budget. Because there is not enough money in the FinCom Reserve Fund to cover this shortfall, the best way to do this is through a STM transfer from free cash so the FinCom can act to cover this. The STM Warrant was opened last Wednesday and will close this Thursday. The discussion tonight will center on why this happened and how to avoid this in the future. Ms. Nolan distributed a copy of the year to date budget report. She said that it was not a matter of under-budgeting, but other expenses that the money went to, gasoline, training, and two individual contract increases. With the toll that fuel has taken, and with the tightening of budgets each year, there is not any extra money. Mr. Hartman asked her when she became aware of the problem with fuel costs. She said all this year and last year, and in fact, she increased the budget because of this. Mr. Hartman asked Chief Thomas when the dispatchers went to training.

Chief Thomas then gave the Board a chronology of events surrounding the budget shortfall. In February he did a projection of the budget; figures showed \$377,400. in the salary line and \$57,500. in the overtime account. He could get through the year with \$300 left in salary. He

averaged \$4k in overtime each pay period. On April 5th, feeling confident he had enough, he transferred \$2,500. out of overtime to pay the gas bill. He felt he could use the extra in overtime to pay for gas. His assistant expressed concern about the balance of the overtime account. After pay warrant #22, his assistant expressed even greater concern about the balance in the overtime account was too low. He went through the budget and determined that there would be a shortfall. He spoke to the Town Accountant and the FinCom to find out what the options were. The re-negotiation of his and the Lieutenant's contracts resulted in costs of \$16,400. that were not budgeted. In his second quarter report to the BOS he had reported that he had expended 79% of his gas budget, in this third quarter report, that he had expended \$24,322 more for gas. At a January 25th 911 training meeting he learned that in addition to free equipment, 16 hours of training for each dispatcher was required. The first time the training would be available was six weeks prior to May 1st, when the equipment was to be installed. A little over \$4k of the training expense was taken from the Community Policing grant, and \$3,300. in expenses was taken from the grant as well to keep it out of his budget. He had trials that he didn't anticipate and investigations as well. He has expended \$6-7k more for fuel, \$16k more for overtime, and more from salary as well, due to the union contract. He feels now that it will take \$25k or less to get through the end of the fiscal year. Mr. Hartman questioned the timeline, asking if he was aware before ATM of the training expenses, and gas expenses, or unaware that he didn't have the money to get through. Chief Thomas said it was April 30th when he discovered that he had less than he thought. Mr. Gaechter questioned the reduction from \$37k to \$25k. Chief Thomas replied that he had looked at his budget more thoroughly. He was asked what preventative action he was going to take. He said that his old accounting program will be reinstituted. Mr. Palmer questioned how had they planned to handle the salary raises. Ms. Nolan said that she had told Chief Thomas that if he could not cover it in his budget, he would have to go before ATM for it.

Mr. Lucy questioned his use of the Policing grant to purchase a new cruiser. Chief Thomas replied that at the time he re-allocated the grant money, he was not aware of the shortfall. This is the first time in 14 years that his budget has been short.

Ms. Brazil reported on the steps she had taken when the shortfall was reported to her. Chief Thomas came to see her about the gaps in his budget. Gaps at this time of the year are not unusual; what was unusual was the size of the gaps. The Reserve had less than \$10,600k in it, and because of the size of the shortfall, she could not locate funds in increments that would comply with the law. She noted that discretionary spending is usually held to the end of the fiscal year. She feels the best mechanism is a STM transfer, especially as there is a healthy amount of free cash. She has other departments that are running low, but can be covered within their budgets. She noted that none of the transfer of funds used thus far has gone to the Police Department. The Reserve Fund had a beginning balance of #35k. The Reserve Fund for FY08 will stay at \$35k; she cannot foretell if this will happen again next year.

Mr. Gaechter questioned if the \$70k figure was still viable. Ms. Brazil said it was probably excessive. Ms Nolan said they are probably looking at \$50k. Mr. Gaechter questioned how to stop this; obviously they need to put more money in the Reserve. Ms. Brazil said that she is

implementing a procedure where each department head or budget manager must acknowledge receipt of the month-ending balance report and certify that they have looked at them and that their balances match. This will encourage keeping descending registers. It won't solve the problem, but it will help. Mr. Gaechter questioned if Munis could provide something that would set off an alarm. He directed that she and the Town Administrator look at these options and put something in place to see that this doesn't happen again. He noted that the department heads are accountable to the Town Administrator, not the Accounting Department. She should do enforcement with her staff. Ms. Worthington asked if the funds needed would be delineated on the STM Warrant so that the voters know what they are voting for. Ms. Brazil said she could provide the basic outlines.

Mr. Searcy reported that the FinCom met and listened and has concluded that there was no intent of malice, not a lot of blunder or neglect, just some error. They concur that STM is the best solution. He said that the FinCom had not increased the size of the Reserve although the size of the budget has been increasing, and the FinCom takes responsibility for not doing this. Mr. Gaechter noted that they must ensure that the people get out to STM to vote. They must have a positive vote.

Town Administrator's Report: (action items)

- Received a letter from MAHighway suggesting that towns include price adjustment provision in all Ch 90 projects. Ms. Nolan was directed to bring something back to the BOS on this.
- Mr. Gaechter directed Ms. Nolan to put the beach erosion at Coast Guard Beach on the next agenda. She will speak to Mr. Morris.
- Received a letter from DEP regarding the bells. The Health Agent is going to do more testing, and when those results are in, the BOS will have to decide on the hours to ring them.

Selectmen/Liaison Reports: (action items)

Gaechter: -Wants to take the comparison data on town fees and share it with the FinCom, and then set a joint meeting for 2-3 weeks after that to discuss the philosophy of fees. After that meeting, they will hold another joint meeting to actually set fees or add fees. Ms. Nolan thought she would have all the comparison data she has collected from other towns ready for distribution by the middle of next week. Mr. Gaechter directed her to put the data in the BOS agenda packets and distribute it to the FinCom.

Reorganization of the Board: Mr. Palmer moved to nominate Fred Gaechter as Chair. Mr. Lucy seconded it. Vote: 5-0, unanimous.

Mr. Lucy moved to nominate Gary Palmer as Vice-Chair. Mr. Hartman seconded it. Vote: 5-0, unanimous. Mr. Palmer moved to nominate Chris Lucy as Clerk. Mr. Gaechter seconded it. Vote: 5-0, unanimous.

Next week's agenda: Two public hearings, taxicab regulations and business application, meet with the informal regulatory group, discuss handicap access in town, timeline on website, Chief Thomas's quarterly report.

With no further business, Mr. Palmer moved to adjourn. Mr. Lucy seconded it. Vote: 5-0, unanimous.

The meeting was adjourned at 8:23 p.m.

Alfred Gaechter, Chairman

Gary Palmer, Vice-Chairman

Christopher R. Lucy, Clerk

Curtis Hartman

Janet W. Worthington

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